

NOT FOR CITATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID WESLEY HAWKINS,

Petitioner,

No. C 03-3668 PJH

v.

**ORDER DENYING PETITIONER'S
REQUEST FOR AN EXTENSION OF TIME
TO FILE MOTION TO ALTER/AMEND
JUDGMENT**

JOHN CAVALLI, Chief, Santa Clara
County Probation Department

Respondent.

On September 22, 2006, this court denied David Hawkins' (Hawkins) habeas petition on the merits. Judgment was entered that same day. Currently before the court is petitioner's October 2, 2006 request for an extension of time to file a motion to alter or amend the judgment.

Federal Rule of Civil Procedure 59(e) provides that: "Any motion to alter or amend a judgment shall be filed no later than 10 days after entry of judgment." Because this court is without the power to extend the time for filing a Rule 59(e) motion, Hawkins' motion for an extension of time is DENIED. *Harman v. Harper*, 7 F.3d 1455, 1458 (9th Cir. 1993).

IT IS SO ORDERED.

Dated: October 3, 2006



PHYLLIS J. HAMILTON
United States District Judge